

Application No.: 10/052,329

Amdt dated: July 6, 2004

Reply to Office action of: April 8, 2004

REMARKS

Claims 3, 4, 6-13 and 26-37 are pending in the application. Applicants note with appreciation that claims 3, 4, 6-11, 26-31 and 33-37 are allowed, and that claim 32 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully request reconsideration and allowance of all claims in view of the following remarks.

Claim 12 was rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0093091 to Paolitto et al. Claim 13 was rejected under 35 U.S.C. §103(c) as being unpatentable over Paolitto in view of U.S. Patent No. 5,179,765 to Sungberg. Applicants respectfully traverse both these rejections because the claimed invention antedates Paolitto as further explained below:

- (1) Paolitto has a PCT filing date of April 5, 2001 and a foreign application priority date of April 5, 2000;
- (2) The present invention claims benefit under 35 U.S.C. §365(c) of PCT/US00/40773, filed August 30, 2000, and under 35 U.S.C. §119(e) of U.S. Provisional Application Serial No. 60/151,496, filed August 30, 1999, the filing papers of the provisional application are herein attached in Exhibit A;
- (3) Support for claims 12 and 13 may be found in the provisional application, for example, on page 1, line 31, to page 3, line 10;
- (4) The earliest filing date of the present invention (8/30/99) therefore

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predates the earliest filing date of Paolitto (4/5/00).

For at least the above reasons, Applicants respectfully request withdrawal of the rejections and that a timely Notice of Allowance be issued in this case.

Sincerely,

APPLIED MEDICAL RESOURCES

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Attachments
Exhibit A